

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE)	
WIRELESS OF THE MIDWEST INCORPORATED)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A WIRELESS COMMUNICATIONS FACILITY IN)	
THE CINCINNATI-DAYTON MAJOR TRADING)	
AREA ("MTA") WHICH INCLUDES BOONE,)	CASE NO. 99-251
KENTON, CAMPBELL, GALLATIN, GRANT,)	
PENDLETON, BRACKEN, MASON, LEWIS,)	
GREENUP, CARTER, BOYD, ELLIOTT,)	
LAWRENCE, JOHNSON, MARTIN, FLOYD, AND)	
PIKE COUNTIES, KENTUCKY ("SPARTA/01-1552)	
FACILITY"))	

O R D E R

On June 21, 1999, SBA Towers, Inc. ("SBA") and GTE Wireless of the Midwest Incorporated (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 380 feet in height, with attached antennas, to be located off Boone Road (KY 465), Sparta, Gallatin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 42' 12.02" by West Longitude 84° 54' 22.43".

SBA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, the proposed facility's construction is exempt from local zoning ordinances. However, the Applicants have notified the Gallatin County Judge/Executive (Judge/Executive) of the proposed construction. The Judge/Executive filed comments but did not request intervention or a public hearing in this matter. The Applicants have filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments have been filed.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SBA should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SBA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. SBA is granted a Certificate of Public Convenience and Necessity to construct a guyed antenna tower not to exceed 380 feet in height, with attached antennas, to be located at off Boone Road (KY 465), Sparta, Gallatin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 42' 12.02" by West Longitude 84° 54' 22.43".

2. SBA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 28th day of September, 1999.

By the Commission

ATTEST:

Executive Director